IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P.NO. 3269/97

Petitioner : Divisional Forest Officer,
North Raipur Division, Forest,
Raipur.

-Versus-

Respondents : Mahendra Kumar Sahu
S/o Shri Manilal Sahu
R/o Nehru Chowk, Kurdun para.
Mahasamund, Distt. Raipur (M.P.)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3269 of 1997

Petitioner — Divisional Forest Officer, North Raipur Division, Forest, Raipur

Versus

Respondent — Mahender Kumar Sahu

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the petitioner.

Shri H. B. Agarwal, Senior Advocate with Miss Sangeeta Mishra, Advocate for the respondent.

ORAL ORDER

(23rd June, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The respondent was appointed on 2.6.1981 as Labourer and continued in service till 6.11.1982, when he was terminated from service vide order dated 7.11.1982. Being aggrieved the respondent made an application to the Deputy Labour Commissioner and the reference was made to the Labour Court for adjudication.

2. The labour Court after having granted several opportunities to the petitioner, proceeded ex-parte and held the order dated 7.11.1982 as improper and illegal. It was further directed to reinstate the petitioner in service with full back wages. Pursuant to the order dated 24.12.1996 passed by the Labour Court the respondent was reinstated in service without back wages. Prior to the passing of the final order dated 24.12.1996 by the Labour Court, the case proceeded ex-parte against the petitioner. The petitioner moved an application on 13.5.1985 before the Labour Court for setting aside the ex-parte order. The said application was allowed on 26.6.1996. The petitioner again remained absent throughout even thereafter. Ultimately,

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the Labour Court had to pass the final order on 24.12.1996 declaring the order dated 7.11.1982 as illegal and improper.

3. Being aggrieved, the petitioner has filed this petition under Article 227 of the Constitution of India praying that the impugned order dated 24.12.96 passed by the Labour Court be set-aside and quashed.

4. This Court while issuing notice on 14.8.1997 stayed the impugned award in respect of recovery of back wages only. According to learned counsel for the respondent, the respondent has been reinstated in service and getting the regular salary.

5. The petitioner/State vide order dated 9.5.2006 was directed to file relevant documents, but the petitioner failed to file the relevant documents and nor did ask for time to file documents in support of its case. This petition is vague and lacks relevant materials for grant of relief. Looking into the conduct of the petitioner that the petitioner remained throughout ex-parte in the Labour Court in the first round of litigation and after the application for setting aside the ex-parte order was granted also, the petitioner remained absent. Even the conduct of the petitioner before this Court by not supplying relevant documents clearly indicates that the order passed by the Labour Court cannot be held as perverse.

6. I have gone through the documents appended to the petition as well as return. There is no perversity or irregularity soas to call for interference by this Court in exercise of its powers under Article 227 of the Constitution of India, with the impugned award. Accordingly this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur